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10/562,289

12/22/2005

Johannes Beugels

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

PAYER, HWEI SIU CHOU

ART UNIT

PAPER NUMBER

3724

MAIL DATE

DELIVERY MODE

05/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/562,289 | Applicant(s) BEUGELS ET AL. | |
| | Examiner Hwei-Siu C. Payer | Art Unit 3724 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 8-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7 and 15-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/22/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Applicant's election with traverse of invention species I in the reply filed on 4/7/08 is acknowledged. The traversal is on the ground(s) that claims 18 and 19 are generic to all species and should not be designated as a separate species. Examiner agrees and thus claims 18 and 19 have been included in the elected species. Claims 1-3, 5-7 and 15-23 read on the elected species. Claims 4 and 8-14 are directed to non-elected species and have been withdrawn from further consideration.

The requirement is still deemed proper and is therefore made FINAL.

Objection to Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
The filing date (6/27/04) of priority document EP 03101924.3 listed on the declaration does not agree with the filing date (6/27/03) shown on the priority document.

Objection to the Specification

The disclosure is objected to because of the following informalities:

(1) On page 2, reference to the claims in the specification is improper and should be deleted. Note In re Rainer, 49 CCPA 1243, 1248, 305F.2d 505, 509, 134 USPQ 343,346 (1962).

(2) On page 4, lines 5 and 6, reference numeral “16” has been used to designate two different elements as “blades” and “rotors”.

(3) On page 6, line 1, “impellers 5” should read --impellers 15--.

(4) On page 6, line 28, “shaver 102” should read --shaver 101--.

(5) On page 7, line 32, “arrow 143” is not found in any drawings.

Appropriate correction is required.

Claims Objection

Claims 3, 7, 17-19 and 22 are objected to because of the following informalities:

(1) In claim 3, “the impellers” and “the cutters” have no clear antecedent basis. It is suggested “the impeller or at least one of the impellers” and “the cutter or at least one of the cutters” be changed to --the at least one impeller-- and --the at least one cutter--, respectively.

(2) In claims 7 and 18, “the impellers” has no clear antecedent basis. It is suggested “the impeller or at least one of the impellers” be changed to --the at least one impeller--.

(3) In claims 17 and 22, “the cutters” has no clear antecedent basis. It is suggested “the cutter or at least one of the cutters” be changed to --the at least one cutter--.

(4) In claim 19, line 2, “the impellers” has no clear antecedent basis. It is suggested “comprising at least two of the impellers” be changed to --said at least one impeller comprising at least two impellers--.

(5) In claim 19, line 3, “hair chambers” should read --hair chamber--. Note line 9 of claim 1.

(6) In claim 19, line 4, “a drive structure” should read --the drive structure--. Note line 10 of claim 1.

Appropriate correction is required.

Claims Rejection - 35 U.S.C. 112, second paragraph

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 15-17 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(1) In claim 15, “the flushing passage or at least one of the flushing passages” has no antecedent basis.

(2) In claim 19, it is not understood what “a common sense of rotation” is.

Claims Rejection - 35 U.S.C. 102(b)

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-7 and 15-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Barish (U.S. Patent No. 5,909,928).

Barish shows a shaver including: a shaving head holder (3d) carrying at least one shaving head (3a/3b/3c) comprising a screen (20) having an internal surface, an external surface for contacting a skin to be shave, and hair-receiving openings (24) and at least one cutter (10) having at least one cutting edge (12) movable along the internal surface of the screen (20), the at least one cutting edge (12) cooperating with the screen (20) for cutting off hair projecting through the hair-receiving openings (24); a hair chamber (defined by the upper surface of disk 11 surrounded by cutting edges 12, see Figs.2-3) behind the hair-receiving openings (24); a drive structure (4,5) comprising at least one motor (4); at least one impeller (17) being connected to the drive structure (4,5) for driving the movement of the at least one impeller (17); the drive structure (4,5) for driving the movement of the at least one impeller (17) also connected to the at least one cutter (10) for drive motion of the cutter along the internal surface of the screen (20); the at least one impeller (17) and the at least one cutter (10) being suspended for rotation about at least one common axis of rotation (along the center of hub 13); at least two passages (27) via which the hair chamber communicates with the environment; the at least two passages (27) located in the at least one shaving head (3a/3b/3c) and adjacent to the hair-receiving openings (24); the at least one impeller (17) at least located in the at least one shaving head (3a/3b/3c); the at least one impeller (17)

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arranged concentrically inside at least a portion of the at least one cutter (10); the at least one impeller (17) located in the hair chamber; and the at least one impeller (17) comprising at least two impellers (see column 2, lines 56-59) connected to the drive structure (4,5) for driving the at least two impellers as claimed.

The terms “liquid displacement impeller” and “flushing passages” have been carefully considered but are deemed not to import any structural limitations on the shaver and accordingly cannot serve to distinguish. Further, since Barish’s shaver as set forth shows all the claimed structure, it is held that Barish’s impeller (17) and passages (27) are fully capable of displacing liquid and flushing liquid, respectively, if the shaving head (3a/3b/3c) is dipped into liquid and the motor (4) is turned on.

Claim Rejection - 35 U.S.C. 103(a)

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw et al. (U.S. Patent No. 3,369,294) in view of Nasu et al. (U.S. Patent No. 4,442,596).

The shaver of Shaw et al. shows all the claimed structure except it does not teach self-cleaning of the shaver by having the shaver powered on and dipping the shaving head (35) of the shaver into water.

Nasu et al. teaches it is desirable to clean the hair chamber of a shaver by turning the shaver on and dipping the shaver head of the shaver into water to facilitate a current of water generated in the hair chamber to displace through the hair chamber and to clean the hair chamber (see column 2, line 61-67).

Thus, it would have been obvious to one skilled in the art at the time this invention was made to clean the hair chamber (100) of Shaw et al. by having liquid displaced through the hair chamber (100) to clean the same as taught by Nasu et al.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for official communications and 571-273-4511 for proposed amendments.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H Payer
May 10, 2008

/Hwei-Siu C. Payer/
Primary Examiner, Art Unit 3724